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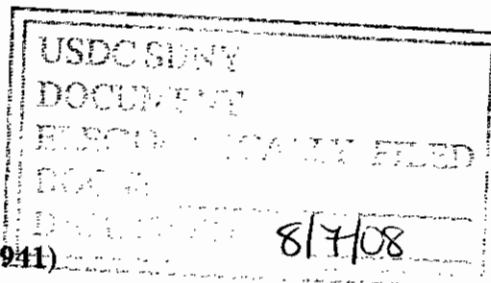
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Via Facsimile Only: (212-805-7941)

Hon. Judge Loretta A. Preska
USDC, Southern District Of New York
500 Pearl Street
New York, New York 10007

July 31, 2008

Re: Brian Colella, et al., vs. The City of New York, et al., 07-cv-6312

Dear Hon. Judge Preska:

Our office represents all of the seventeen (17) named Plaintiffs (electricians, carpenters, masons, plumbers, mechanics, and roofers) employed by the New York City Fire Department, Buildings and Maintenance Division, in the above captioned matter and appeared on their behalf as counsel in the matter filed with the Court. Plaintiffs complained on behalf of themselves and on behalf of those similarly situated current and former hourly employees who worked for Defendant, that they are (i) entitled to unpaid wages from Defendant for working more than forty hours in a week and not being paid an overtime rate for all such hours over a forty hour week, and (ii) entitled to maximum liquidated damages and attorneys' fees pursuant to the New York Wage and Hour Law ("NYLL") §§650 et seq., and N.Y. Labor Law §§198.1-a and §663 and the regulations there under - 12 NYCRR §142-2.2. This was a consolidated action but not formally filed as a class action.

It is respectfully submitted that the purpose of this letter is to provide your Honor a brief update on the progress of the litigation, and to request a pre-motion conference with counsel and the Court to permit the Plaintiffs to file an application seeking to amend the complaint in the action to convert the matter into a class action pursuant to Fed. R. Civ. Proc. 23.

Briefly: On April 4, 2008 the parties participated in an interim pretrial conference held with your Honor. At the conference counsel advised that they had demanded and subsequently responded to the respective parties' interrogatories and document demands. Our office also advised at the interim pretrial conference, that there was a pending arbitration filed before the NYC Office of Collective Bargaining (NYC-OCB) that concerned grievances filed by individual members, (six or seven) of the named Plaintiffs in the above action regarding a breach of contract claim, filed by Local 3, International Brotherhood of Electrical Workers ("Union"), concerning hours worked and denial of wages dating back to old 2002-2003 grievances. It was hoped that a resolution of that arbitration may resolve some of the New York State claims in this case. Our office took over assignment of the arbitration from the Union to represent the Plaintiffs in that contract claim. There is not a contract claim in this case.

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**Re: Brian Colella, et al., vs.
The City of New York, et al., 07-cv-6312
Cont'd. July 31, 2008**

On May 8, 2008 our firm met with the assigned arbitrator and the NYC Office of Labor Relations (NYC-OLR) at a proceeding before the NYC-OCB. At that time we attempted to negotiate a resolution of the Grievants' claims, or stay the arbitration pending the proceedings in Court and the filing of a class action complaint before your Honor, with the consent of the Corporation Counsel's Office and Ms. Walker-Diablo, Asst. Corp. Counsel. The hope of our office and NYC-OLR was that the litigation in the Court action would resolve all of the matters, including the New York State claims, and avoid some duplication of effort, rather than by individual, piecemeal, grievant by grievant, day-by-day claims. OLR agreed to adjourn the arbitration to allow for a global resolution. We were agreeable to such a resolution and required the City to agree that adjournment of the arbitration was without prejudice. Corporation Counsel did not consent to allow a stay of the arbitration, without prejudice.

Between May 8, 2008 and June 23, 2008 our office was unable to resolve the differences between OLR and the NYC Corp Counsel's Office. On June 23, 2008 OLR filed a motion seeking to dismiss the arbitration against the limited number of grievants, on the grounds of lack of jurisdiction. That motion has been adjourned on consent without date.

On July 24, 2008 our office submitted a proposed Third Amended Complaint for Collective and Class Action purposes, to the Corporation Counsel's Office. Today, July 31, 2008 we were advised that the City would not consent to the proposed Amended Complaint, necessitating the submission of this letter to your Honor.

It is respectfully requested that the Plaintiffs be permitted to participate in a pre-motion conference and briefing schedule to file a Notice of Motion, and supporting affidavits, and Memorandum of Law in support of amending the complaint to a class action. It is respectfully submitted that the individual Plaintiffs, and (those Plaintiffs who were grievants) and those who may opt in would effectively create a complete resolution of these claims.

It is respectfully requested, at the Court's convenience, that our clients be permitted to participate and to submit their argument in support of the motion, and to file the Notice of Motion and Third Amended Complaint, and Memorandum of Law as herein referred, and in the manner and date as to your Honor deems appropriate. Thank you for your attention to this matter.

Respectfully submitted,

[Signature]
Lawrence Solotoff (LS1356)

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Defendants shall inform the Court by letter no later than August 11 of their position on the above. Counsel shall appear for a conference on September 4, 2008 at 9:30 a.m.

August 4, 2008

*so ordered
Loretta A. Preshe
USDC*